

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/038,562	03/11/1998	HONGYANG CHAO	63345	8464	
	590 01/29/2002				
OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 AVENUE OF THE AMERICAS			EXAMINER		
NEW YORK, NY 10036-8403			JOHNSON, TIMOTHY M		
			ART UNIT	PAPER NUMBER	
			2623	10	
			DATE MAILED: 01/29/2002	19	

Please find below and/or attached an Office communication concerning this application or proceeding.





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## Below is a communication from the EXAMINER in charge of this application COMMISSIONER OF PATENTS AND TRADEMARKS

## **ADVISORY ACTION**

THE PERIOD FOR RESPONSE:				
a) A is extended to run 6 man Hv 5 or continues to run from the date of the final rejection				
b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.				
Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.				
Appellant's Brief is due in accordance with 37 CFR 1.192(a).  Applicant's response to the final rejection, filed 1/18/2 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:				
1. The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:				
a. Mathematical There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.				
b. They raise new issues that would require further consideration and/or search. (See Note).				
c. They raise the issue of new matter. (See Note).				
d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.				
e. They present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE: Applicant adds they near limits trans of the integer would be than they nearly limits trans of the integer of local that are no ancested trans in number than the highest count for the number of limits transported to the number of limits than any local transported to the number of limits and local number of finally rejected claims.  NOTE: Applicant adds they nearly limits transported in a separately filed amendment cancelling the non-allowable claims.				
3. Upon the filing an appeal, the proposed amendment will be entered and the status of the claims will be as follows:				
Claims allowed: Claims objected to: Claims rejected: However;				
Applicant's response has overcome the following rejection(s):				
4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because				
5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier presented.				
☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.				
Other				